IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

WP(C).No. 12126 of 2004(R)

PETITIONER:

P.V.JANCY, FULL TIME SWEEPER,
ELAPPARA GRAMA PANCHAYATH OFFICE, ELEAPPARA P.O.
IDUKKI DISTRICT.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:
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1. **THE STATE OF KERALA, REP. BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF SELF GOVERNMENT, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE DIRECTOR OF PANCHAYATHS, THIRUVANANTHAPURAM.**

3. **THE DEPUTY DIRECTOR OF PANCHAYATH, IDUKKI OFFICE OF THE PANCHAYATH DEPUTY DIRECTOR, THODUPUZHA, IDUKKI.**

4. **THE SECRETARY, KANCHIYAR GRAMA PANCHAYAT LABBAKKADA,P.O. KANCHIYOOR, IDUKKI DISTRICT.**

5. **THE SECRETARY, ELAPPARA GRAMA PANCHAYAT ELAPPARA, ELAPPARA P.O. IDUKKI DISTRICT.**

BY GOVERNMENT PLEADER SMT.T.B.RAMANI
SRI.H.B.SHENOY(ELAPARA GRAMA PANCHAYAT)
SRI.GEORGE JACOB (JOSE)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

tss

W.P.(C) NO.12126/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE APPLICATION FOR LEAVE FROM 30.7.03 TO 6.9.03.

EXT.P2:- COPY OF THE APPLICATION FOR LEAVE FROM 7.9.03 TO 30.9.03.

EXT.P3:- COPY OF THE APPLICATION FOR LEAVE FROM 1.10.03 TO 31.10.03.

EXT.P4:- COPY OF THE CERTIFICATE NO.A2/279/2003 ISSUED BY THE SPECIAL GRADE SECRETARY, KANCHIYAR GRAMA PANCHAYAT TO THE PETITIONER.

EXT.P5- COPY OF THE ORDER ISSUED BY THE 3RD RESPONDENT.

EXT.P6:- COPY OF THE MEDICAL CERTIFICATE ISSUED BY THE DOCTORS TO THE PETITIONER.

EXT.P7:- COPY OF THE REPRESENTATION DT. 28.8.03 FILED BY THE PETITIONER BEFORE THE RESPONDENT 3 AND 4.

RESPONDENTS EXHIBITS

EXT.R4(a):- COPY OF THE RESOLUTION NO.10 DT. 8.8.03 OF THE KANCHIYAR PANCHAYAT COMMITTEE.

EXT.R4(b):- COPY OF THE PROCEEDINGS DT. 18.8.03 OF THE 3RD RESPONDENT.

/TRUE COPY/

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K.BALAKRISHNAN NAIR, J.

W.P.(C).No.12126 of 2004-R

Dated this the 22nd day of August, 2007.

J U D G M E N T

The petitioner is a Full Time Sweeper, working in the Kanchiyar Grama Panchayat office. She has approached this court feeling aggrieved by the non-sanctioning of leave for the three spells covered by Exts.P1 to P3 applications. The said applications relate to the period from 30-7-2003 to 6-9-2003, 7-9-2003 to 30-9-2003 and 1-10-2003 to 31-10-2003. The Secretary of the Grama Panchayat is competent to pass orders on her applications, it is submitted. His omission to do the same is vitiated by malafides. Hence this writ petition seeking appropriate reliefs.

(2). The 4th respondent Panchayat has filed a counter affidavit in which it is stated that the petitioner is irregular in attending her duties. She remained absent without applying for leave on many occasions. The third respondent has filed a counter affidavit in which it is submitted that instructions have been issued to the controlling officer of the petitioner and the Secretary of the Panchayat, to take final decision in the matter.

(3). The petitioner was transferred from Kanchiyar Grama Panchayat to Elappara Grama Panchayat by Ext.P5 dated 18-8-2003. Ext.P4 is the consequential order. The petitioner submits, notwithstanding those orders, she continued in the Kanchiyar Grama Panchayat office and therefore, the leave applied for has to be considered by the Secretary of Kanchiyar Grama Panchayat.

(4). Having regard to the facts of the case, the 4th respondent is directed to take a decision on Exts.P1 to P3, in accordance with law, within one month from the date of receipt of a copy of this judgment. If there is any objection in granting the leave

to the petitioner, she shall be informed of the objection and she shall be given a chance to represent against the same. Only thereafter final orders shall be passed.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

MS